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RHMFIS/DEPT OF HOMELAND SECURITY WASHINGTON DC  
INFO RUEHCP/AMEMBASSY COPENHAGEN 2530  
RUEAORC/US CUSTOMS AND BORDER PROTECTION WASHINGTON DC

C O N F I D E N T I A L OSLO 000262

SIPDIS

DEPT FOR CA/VO/V/P, CA/P AND EUR/NB  
DHS FOR OFFICE OF INTERNATIONAL AFFAIRS, ICE OFFICE OF  
INTERNATIONAL AFFAIRS AND CBP OFFICE OF INTERNATIONAL  
AFFAIRS  
COPENHAGEN FOR DHS/ICE

E.O. 12958: DECL: 04/08/2019  
TAGS: CVIS PTER KVPR ASEC NO  
SUBJECT: ESTA APPROVED FOR APPLICANT WITH TERRORIST CLASS  
HIT

Classified By: Consul Rodger J. Deuerlein for reasons 1.4b and d.

Post wishes to alert the Department and DHS to an instance in which an alien with a CLASS terrorism lookout received an approved ESTA.

¶2. (C) On March 31, 2009, Norwegian passport holder Toufigh Aghili (DPOB: 29 March 1959, Iran) appeared at Post seeking a B1/B2 visitor's visa. Included in his application was a printout of an approved ESTA, dated 9 March 2009, with application number R778R3R7RW524TKQ. All biographic fields on the ESTA application had been completed correctly with Aghili's true information (The ineligibility questions related to arrest and removal, however, had were incorrectly answered with &no8).

¶3. (C) In the course of normal processing, Post's NIV system returned the following two CLASS lookouts on Aghili:

Name	Aghili, Toufigh
DOB	29 Mar 1959
POB	NORW
Ref site	INS
Ref date	07-NOV-2000
UID	CUS AGH03295901
Nat	NORW
Ref Code	3B ) Terrorist Activities

Lookout comment states that Aghili is associated with the designated terrorist organization Mujahadin-E-Khalq (MEK);

Name	Aghili, Toufigh
DOB	29 Mar 1959
POB	NORW
Ref site	ICE
Ref date	15-SEP-2000
UID	ICEDP078419684
Gender	M
Nat	NORW
Ref Code	ER7 ) Final Order of Expedited Removal

Lookout comment states that Aghili was arrested in NYC in 2000, during a protest at the UN, charged with disorderly conduct, and subsequently issued an expedited removal order.

¶4. (C) Aghili claimed he knew he was not eligible to use VWP, but that a friend had gone ahead and completed the ESTA application on his behalf, unaware of the arrest and deportation history (Comment: a more credible explanation might be that Aghili thought better of using VWP when it came time to actually purchase a ticket).

¶5. (C) Post recognizes that the ESTA system continues to be developed, that its current screening system involves multiple databases, and that not all of CLASS is, or should be) part of the process. Nevertheless, this alien,s receipt of an approved ESTA would seem to indicate a gap in the process as it exists today.

¶6. (C) An SAO is being processed septel in this case (Unless there is USG interest in allowing subject to travel, Post intends to refuse application under INA 214b, and if Department authorizes, under INA 212a3b as well).

¶7. (C) Post POC: Consular section chief Rodger Deuerlein.  
Email: DeuerleinRJ@state.gov.  
JOHNSON